

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NO.

KEL01 P-145

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/1553941

PRIORITY DATE CLAIMED

April 22, 2003

INTERNATIONAL APPLICATION NO.

PCT/EP2004/04381

INTERNATIONAL FILING DATE

April 22, 2004

TITLE OF INVENTION

A DEVICE AND METHOD FOR USE IN SURGERY

APPLICANT(S) FOR DO/EO/US

Patrick Leahy

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) below.
4. The US has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)):
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)):
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)):
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.

8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. A English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A preliminary amendment.
14. An Application Data Sheet under 37 CFR 1.76.
15. A substitute specification.
16. A power of attorney and/or change of address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information:

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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The following fees are submitted:			
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300.00			
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) <input type="checkbox"/> If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$ 0.00			
<input checked="" type="checkbox"/> All other situations \$200.00			
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) <input type="checkbox"/> If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$ 0.00			
<input type="checkbox"/> Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100.00			
<input checked="" type="checkbox"/> International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$ 400.00			
<input type="checkbox"/> All other situations \$500.00			
TOTAL OF 21, 22 and 23 = \$900			
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
- 100 =	/50 =	x \$250.00	\$
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).			<input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 \$130
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	20 - 20 =	0	x \$ 50.00
Independent claims	3 - 3 =	0	x \$ 200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00
TOTAL OF ABOVE CALCULATIONS			= \$1030
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.			+ \$515
SUBTOTAL			= \$515
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			\$
TOTAL NATIONAL FEE			= \$515
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			+ \$
TOTAL FEES ENCLOSED			= \$515
			Amount to be refunded: \$
			charged: \$

JC12 Rec'd PCT/PCT 20 OCT 2005

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- a. A check in the amount of \$515 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. 22-0190 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 22-0190. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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Date: October 20, 2005

10/553941

PATENT
KEL01 P-145

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

International Application No. : PCT/EP2004/04381
International Filing Date : April 22, 2004
Applicants : Patrick Leahy
For : A DEVICE AND METHOD FOR USE IN SURGERY

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

CERTIFICATE OF EXPRESS MAIL

I certify that the attached return postcard; Transmittal Form PTO-1390 (in duplicate); Patent Application Bibliographic Data Form; true copy of the specification, claims and drawings of PCT International Application No. PCT/EP2004/04381 consisting of 15 pages of Specification, 3 pages of Claims (20 claims), 1 page Abstract, three (3) sheets of drawings (in duplicate); Declaration (unsigned); Preliminary Amendment; Information Disclosure Statement with attached 1 page of PTO-1449 and attached International Search Report, and a check in the amount of \$515.00 for the filing fee, are being deposited with the United States Postal Service as Express Mail in an envelope having Express Mail Label Number EV708292652US addressed to:

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

on Oct 20, 2005.

Ruth A. Mason
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Enclosures